

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

## **JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT**

Pursuant to the Proposed Scheduling Order<sup>1</sup> adopted by the court and Local Rule CV-88, Plaintiff Ronald W. Stone individually and as judgment creditor, assignee and holder of certain rights of Clifton Myers Financial Advisory, Inc. and Clifton Myers (“Plaintiffs”) and Defendants Nationwide Mutual Insurance Company and National Casualty Company (“Defendants”) (collectively, the “Parties”), file this Joint Alternative Dispute Resolution Report, respectfully showing the Court as follows:

## **INFORMATION REQUIRED BY RULE CV-88(b)**

1. **Status of Settlement Negotiations.** As required by the Court's Scheduling Order, Plaintiffs submitted a written offer of settlement to Defendant on October 3, 2022, and Defendant responded on November 4, 2022. The Parties have agreed to attend mediation with Don Philbin.

1 Doc. No. 33.

2. **Identity of the person responsible for settlement negotiations.** Plaintiffs' counsel, Ben Yelverton and Defendants' counsel, Patrick M. Kemp, are responsible for settlement negotiations.

3. **Whether alternative dispute resolution is appropriate in this case.** The Parties agree ADR is appropriate for this case, and that mediation is the method most likely to result in a mutually agreeable resolution of the Parties' dispute. The Parties have discussed potential mediators and agreed to utilize mediator Don Philbin. The Parties further agree that Mr. Philbin will be compensated by Plaintiffs paying one-half of his fee and Defendants paying one-half of his fee.

4. **Timing for alternative dispute resolution.** The Parties have agreed to attend mediation with Don Philbin and will set mediation as early as practicable.

Respectfully submitted,

AGREED:

/s/ Benjamin Yelverton (w/ permission PMK)

Tyler Talbert  
Texas Bar No. 24088501  
talbert@scanesrouth.com  
Benjamin C. Yelverton  
Texas Bar No. 24084132  
yelverton@scanesrouth.com  
SCANES & ROUTH, LLP  
7901 Fish Pond Road, Suite 200  
P. O. Box 20965  
Waco, Texas 76702-0965  
(254) 399-8788  
(254) 399-8780 - Facsimile

/s/ Patrick M. Kemp

Patrick M. Kemp  
Texas Bar No. 24043751  
pkemp@smsm.com  
SEGAL McCAMBRIDGE SINGER & MAHONEY  
100 Congress Avenue, Suite 800  
Austin, Texas 78701  
(512) 476-7834  
(512) 476-7832 - Facsimile

**ATTORNEYS FOR DEFENDANTS  
NATIONWIDE MUTUAL INSURANCE  
COMPANY AND NATIONAL CASUALTY  
COMPANY**

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF this the 15<sup>th</sup> day of November, 2022 to:

Tyler Talbert  
Benjamin C. Yelverton  
SCANES & ROUTH, LLP  
7901 Fish Pond Road, Suite 200  
P.O. Box 20965  
Waco, Texas 76702  
talbert@scanesrouth.com  
yelverton@scanesrouth.com

Deanne C. Ayers  
AYERS & AYERS  
4205 Gateway Drive, Suite 100  
Colleyville, Texas 76034  
dayers@ayersfirm.com

*/s/ Patrick M. Kemp*  
\_\_\_\_\_  
Patrick M. Kemp